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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-first session

SUMMARY RECORD OF THE 1235th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 18 August 1997, at 10 a.m.

Chairman: Mr. BANTON

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Democratic Republic of the Congo

GE.97-17975 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Draft concluding observations concerning the eleventh and twelfth periodic reports of Algeria (continued) (CERD/C/51/Misc.15, future CERD/C/304/Add.33)

1. The CHAIRMAN invited the Committee to resume its consideration of the draft concluding observations concerning the periodic reports of Algeria.

Paragraph 10

2. Mr. WOJ,FRUM said that as there was no obligation on a State party to incorporate article 1.1 of the Convention into its legal framework, particularly into its Constitution, the paragraph should either be reworded as previously proposed, or deleted.

3. Mr. DIACONU suggested that the last phrase of the paragraph, "to incorporate the definition of 'racial discrimination' contained in article 1 of the Convention in its domestic law" should be amended to read: "to incorporate the prohibition of racial discrimination in its domestic law in accordance with the Convention".

4. Mr. GARVALOV reminded the Committee that it had decided to delete the entire phrase from its concluding observations on the Philippines. He was, however, not opposed to Mr. Diaconu's suggestion.

5. The CHAIRMAN said he took it that the Committee wished to amend the paragraph as suggested by Mr. Diaconu.

Paragraph 11

6. The CHAIRMAN, responding to a suggestion by Mr. DIACONU, said he took it that the Committee wished to insert paragraph 11 before paragraph 9.

Paragraph 15

7. The CHAIRMAN observed that the word "real" was redundant and should be deleted.

Paragraph 17

8. Mr. DIACONU said that, in line with paragraph 10, the last phrase of the paragraph, following the words "domestic legislation" should be amended to read: "... a prohibition of racial discrimination in accordance with the Convention."

9. The CHAIRMAN said he took it that the Committee agreed to that amendment.

Paragraph 18

10. Mr. ABOUL-NASR asked what amount of ethnic detail the Committee had decided to request in connection with demographic composition.

11. The CHAIRMAN replied that in accordance with paragraph 8 of the general guidelines regarding the form and content of reports to be submitted under article 9, paragraph 1 of the Convention (CERD/C/70/Rev.3), States parties were requested, as an alternative, to provide any other quantitative information available, and failing that, to provide a qualitative assessment.

Paragraph 20

12. The CHAIRMAN pointed out that the words "violence on bodily harm" should read "violence or bodily harm".

Paragraph 21

13. The CHAIRMAN, in response to a suggestion by Mr. SHAHI, said that the word "complaints" covered "allegations" and that he took it that the Committee could therefore agree to delete the latter.

Paragraph 23

14. Mr. GARVALOV suggested that the words "a systematic information campaign" should be replaced by "an effective information campaign".

15. Mr. DIACONU suggested that the paragraph should consist of the first two sentences of the paragraph only.

16. Mr. SHERIFIS agreed with the amendment proposed by Mr. Garvalov but failed to understand why the reference in the last sentence to the dissemination of the report and of the Committee's concluding observations should be deleted. It always appeared in the concluding observations.

17. The CHAIRMAN said that he therefore took it that the Committee wished to delete only the third sentence, subject to some improved drafting which he would undertake in cooperation with Mrs. Sadiq Ali.

18. Mr. SHERIFIS said that the Committee should, as a matter of policy, put a reference to article 14 in the concluding observations of all countries which had made a declaration under that article, so that all States parties were given equal treatment.

19. The CHAIRMAN suggested that that point be discussed at the end of the session in conjunction with Mr. Aboul-Nasr's proposals for making the concluding observations shorter and more uniform.

Paragraph 25

20. Mr. SHERIFIS said that while in Algeria's case the Committee was right to request a comprehensive report next time, it should indicate in the case of each State party whether its next report should be comprehensive or updated. That matter might also be discussed in conjunction with Mr. Aboul-Nasr's suggestions.

21. The CHAIRMAN fully agreed to that suggestion. If there were any cases from the present session in which the Committee had not done so, attention should be drawn to them while there was still time for rectification.

22. Mr. AHMADU said that the draft concluding observations as a whole were too negative. If the State party was not to be deterred from reporting in future, the Committee should insert at least a paragraph expressing its appreciation of the State party's efforts in producing a report under difficult circumstances after so many years. That aspect might also be discussed more generally later in the week.

23. The CHAIRMAN, responding to that comment and taking up a suggestion by Mr. GARVALOV, suggested that a new paragraph be inserted between paragraphs 4 and 5 to read:

> "The Committee warmly appreciates the efforts of the State party to implement the Convention under adverse circumstances."

24. The draft concluding observations concerning the eleventh and twelfth periodic reports of Algeria as a whole, as amended, were adopted.

Draft concluding observations concerning the eleventh periodic report of Mexico (continued) (future CERD/C/304/Add.30)

25. The CHAIRMAN invited the Committee to resume its consideration of the draft concluding observations concerning the periodic report of Mexico.

Paragraph 25

26. The CHAIRMAN recalled that the Committee had encountered difficulties in connection with the reference to large landowners and with the last sentence.

27. Mr. de GOUTTES (Country Rapporteur) said that the simplest solution to the first problem would be to delete the word "large" so that the text addressed all landowners.

28. The last sentence of the paragraph, referring to article 27 of the Constitution, needed to make it clear that the Committee was not satisfied with the reform brought about by the amendment to article 27 adopted by decree of 6 January 1992. He therefore suggested that the sentence should read:

> "The Committee also recommends to the State party that it consider whether article 27 of the Constitution, concerning land rights, amended by decree of 6 January 1992, is in full conformity with the requirements of the Convention."

29. Mr. YUTZIS fully agreed with the proposed amendment concerning article 27. As far as the first part of the paragraph was concerned, the problem was not really solved by omitting the word "large" and the Committee's message might more clearly be conveyed if it were to change the emphasis by first recommending that the State party adopt all measures necessary to avoid

discrimination against indigenous peoples by large landowners and then calling upon the Government to find an equitable means of distribution and restitution.

30. Mr. SHERIFIS suggested that it might be easier to say "all landowners, especially large landowners".

31. Mr. YUTZIS said that the text should lay emphasis on the owners of the large estates, known in Spanish as the "terratenientes" and should not suggest that there was any conflict between the small landowners and the indigenous populations. The problem was the sheer scale of the land which had been conquered and colonized, and taken from the indigenous populations throughout Latin America.

32. Mr. ABOUL-NASR said that the Committee should keep its recommendation to general terms and not enter into complex details of constitutional amendments. The important question was the restitution of land to the indigenous peoples as far as possible.

33. Mr. RECHETOV supported that view. If the Committee went into detail in one case, it might also, for the sake of consistency, have to go into similar detail in respect of countries such as Norway or other European countries.

34. Mr. de GOUTTES (Country Rapporteur) submitted, in response to Mr. Yutzis' concerns, that it was implicitly understood that the large landowners were at the root of land disputes and restitution problems, and that the word "large" could accordingly be omitted. He would not insist on retaining the final sentence.

35. Mr. AHMADU proposed that the paragraph be amended to read as follows:

> "The Committee recommends that the State party find just and equitable solutions to land delimitation, distribution and restitution problems. In this respect everything possible should be done to protect indigenous inhabitants against discrimination."

36. The CHAIRMAN, following a brief discussion in which Mr. YUTZIS, Mr. de GOUTTES, Mr. AHMADU and Mr. GARVALOV took part, said he took it that the Committee wished to adopt paragraph 25, as amended by Mr. Ahmadu.

37. It was so decided.

Paragraph 27

38. Mr. de GOUTTES (Country Rapporteur) said that he was satisfied with the use of the term "bicultural education" and would even accept "intercultural education". He would nonetheless be interested to hear Mr. Diaconu elaborate on his suggestion to use the term "multicultural".

39. Mr. GARVALOV said that he would prefer not to have a reference to article 7 in the paragraph because there was no explicit requirement in that article for States parties to establish bilingual or multicultural education

and the Committee could run the risk of sending the wrong message by including such a reference. The right to education and training was covered under article 5.

40. Mr. DIACONU, supported by Mr. ABOUL-NASR, who cautioned the Committee against going into too much detail in its recommendation, said that the objective in paragraph 27 was to have bilingual education where possible but not necessarily as a consequence of legislation to that effect. The amendment should encompass all cultures because everyone should be educated on all cultures, not just one or two. It was an ambitious goal, in view of which the Committee should allow States parties some flexibility.

41. Mr. de GOUTTES (Country Rapporteur) suggested replacing "bilingual education" with "multicultural education" in order to meet the concerns of Mr. Diaconu and Mr. Aboul-Nasr. He also endorsed Mr. Garvalov's proposal to delete the reference to article 7 of the Convention.

42. The CHAIRMAN pointed out that the intention was to provide also for Spanish-speaking children to receive more education about the customs and practices of indigenous peoples, which could be done if the whole reference to education was abbreviated to "... multicultural education for all".

43. Mr. HUSBANDS (Acting Secretary), at the request of the CHAIRMAN, read out paragraph 27, as amended: "The Committee recommends that the State party make every effort to ensure multicultural education for all."

44. The CHAIRMAN said he would take it that the Committee wished to adopt paragraph 27, as amended.

45. It was so decided.

Paragraph 30

46. In response to a comment by Mr. ABOUL-NASR, the CHAIRMAN said the next periodic report should be referred to as "comprehensive" rather than "detailed".

47. The draft concluding observations concerning the eleventh periodic report of Mexico as a whole, as amended, were adopted.

Draft concluding observations concerning the thirteenth and fourteenth periodic reports of Poland (CERD/C/51/Misc.18, future CERD/C/304/Add.36)

Paragraph 4

48. Mr. ABOUL-NASR said he was worried about introducing the concept of the market economy and economic change into the report. The Committee was dealing with racial discrimination; perhaps it could do without the paragraph.

49. Mr. SHAHI (Country Rapporteur) observed that if the paragraph were deleted, the observations would contain nothing under the heading "factors and difficulties impeding the implementation of the Convention". The

representative of the State party had acknowledged that enjoyment of economic, social and cultural rights had suffered some neglect in view of the economic changes and that the climate had deteriorated in regard to those rights.

50. Mr. GARVALOV said that the situation was not the fault of the market economy as such - and indeed a market economy could not be assumed to be tantamount to a genuine democracy - but of the difficulties experienced by States in transition from a centrally planned to a market economy, and of the adverse effects of that transition on minority groups.

51. The CHAIRMAN concurred with Mr. Aboul-Nasr's view as expressed at previous meetings that the division of the observations into five sections was over-elaborate. However, it should be retained until the Committee's subsequent review of the procedure.

52. Mr. DIACONU said the paragraph was valid for Poland and other countries in the region; if for some countries the Committee referred to the developing situation as a difficulty, for countries in central Europe it should mention the deep economic changes, which were causing difficulties for some segments of the population.

53. Mr. VALENCIA RODRIGUEZ said the representative of Poland had referred to the economic changes taking place there; however, the word "deep" could be deleted.

54. The CHAIRMAN suggested that the word "deep" should be deleted and that, instead of enumerating the rights affected by the economic changes, the text could simply refer to "the rights listed in the Convention".

55. Mr. SHAHI (Country Rapporteur) said that it was Poland that had referred to economic, social and cultural rights; the economic changes did not affect such other rights as the rights of residence or nationality, the right to contract marriage and the right to life.

56. The CHAIRMAN said he would take it that the Committee wished to adopt the paragraph, with the deletion of the word "deep".

Paragraph 5

57. Asked by Mr. ABOUL-NASR whether the new Constitution was applied by the courts, Mr. SHAHI (Country Rapporteur) replied that according to the Polish representative, under the new Constitution the Convention would be directly applicable by the courts. He suggested some minor editorial changes to the first sentence.

58. The CHAIRMAN said he took it that those changes were acceptable.

59. He suggested that the Committee resume its consideration of the draft concluding observations concerning the periodic reports of Poland at a subsequent meeting.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

General recommendation concerning indigenous peoples (continued)
(CERD/C/51/Misc.13/Rev.3)

60. Mr. WOLFRUM informed the Committee that the third revision of the text now before it differed from the previous version only in the briefer wording of the second paragraph. It now incorporated members' suggestions, to which he would add Mr. Diaconu's proposals that "informed consent" be changed to "informed participation" in paragraph 4 (d), and "ensure that indigenous communities" to "ensure conditions so that indigenous communities" in paragraph 4 (e) - neither of which were substantive changes.

61. Mr. de GOUTTES said that he reserved the right to raise any points arising from the future French version of so important a text, now available in English only.

62. Mr. SHERIFIS expressed support for the draft general recommendation as a whole.

Paragraphs 1 and 2

63. The CHAIRMAN, in response to a comment by Mr. DIACONU, pointed to minor drafting changes in the two paragraphs.

Paragraph 3

64. The CHAIRMAN, in response to an amendment proposed by Mr. AHMADU, suggested that the opening lines of paragraph 3 should be amended to read: "The Committee is conscious of the fact that in many regions of the world indigenous peoples have been and are still being discriminated against, deprived of their human rights and fundamental freedoms, and in particular that they have lost their land ...".

Paragraph 4 (a)

65. Mr. AHMADU said that he would raise no objection to the subparagraph but cautioned the Committee against taking the issue of indigenous languages too far because it could result in preventing indigenous peoples from becoming integrated.

Paragraph 4 (d)

66. Mr. ABOUL-NASR said that indigenous people should be on an equal footing with all other citizens and that their consent should be required in all matters, not just those directly relating to them.

67. Mr. WOLFRUM agreed with Mr. Aboul-Nasr and pointed out that the sentence had two different parts, the first dealing with general participation in all aspects of public life and the second narrowing the focus to their consent in matters directly relating to them. He cited the cautionary case of a community in Greenland which had been consulted about the proposed relocation of their village but had eventually had their objection to it overruled and

their village removed. If the sentence addressed only the question of participation on an equal footing, it would not provide for situations in which indigenous peoples might be consulted but still not be required to give their consent before a final decision was taken, sometimes with adverse effect for them.

68. The CHAIRMAN said, in keeping with Mr. Wolfrum's reasoning that the sentence dealt with two separate issues, that if the two parts of the sentence were to be kept separate, then "... public life ..." should be followed by "... and that no decisions are taken directly relevant to them without their informed consent".

69. Mr. DIACONU raised the point that the idea of consent implied the right to veto, which was not in conformity with the spirit of ILO Convention No. 169, which was based, rather, on the idea of consultation through the appropriate channels. In some cases, such as the one cited by Mr. Wolfrum, there was cause to insist on prior consensus but there were many other cases where a small community could hinder the taking of decisions that would be of benefit to all citizens. The Committee should be careful not to innovate in that regard.

70. Mr. AHMADU said that he would welcome the participation and informal consensus of indigenous peoples but did not think that their consent should be required since it implied their right to a veto.

71. Mr. van BOVEN said that due account of the issue had been taken in the drafting of ILO Convention No. 169 and that a compromise solution had been found in the term "consultation", which in fact had not satisfied many indigenous peoples. It was also true, although he had subscribed to that wording, that requiring consent might amount to allowing for a veto. "Informed participation" might be more acceptable as being much stronger than consultation and avoiding the problem that an implied veto might cause.

72. Mr. ABOUL-NASR said that the Committee was faced with a different situation from the one addressed in the ILO Convention and was therefore not bound to use the same wording. In the recommendation there needed to be a distinction between two situations: one concerning all the citizens of a country and another concerning indigenous peoples directly. In the latter case, they should have the right of veto and the text, as drafted, dealt adequately with the issue.

73. Mr. SHAHI said that the paragraph dealt with participation in public life and that a requirement for "informed consent" would give indigenous people too much say in national affairs. He preferred the formulation "active participation" or "active consultation".

74. Mr. WOLFRUM said that the situation of indigenous people was not the same as that of minorities. Indigenous people had occupied the country before the arrival of the majority group, and were often fighting for the very acknowledgment of their existence.

75. The intention of the draft was to ensure that indigenous people were duly involved in decisions which directly affected them, rather than in

national affairs as a whole. He did not like the word "consultation", which did not imply that indigenous people had any actual say in the final decision; nor did he like "informed participation", because the word "participation" was used earlier in the paragraph without qualification. He preferred the original term "consent".

76. Mr. YUTZIS agreed that indigenous people should have more say in matters which affected them directly. In Latin America, in fact, indigenous people were sometimes the majority population in the country, but they were nevertheless often excluded from decisions which affected them. He also preferred the word "consent".

77. Mr. VALENCIA RODRIGUEZ said that it was important to distinguish the first part of the subparagraph, which dealt with public life in general and the participation of all citizens, from the second part, which dealt with decisions directly affecting indigenous people. In the second part of the sentence, he felt that "consent" was the appropriate word to use, or, if that was the preference of the Committee, "participation". In any case, the text under discussion was a general recommendation which did not have the legal implications of a treaty or convention.

78. Mr. DIACONU said that he could foresee complaints from States parties if the Committee appeared to be advocating a right of veto for indigenous peoples over the central Government's decisions. He suggested the following formulation: "ensure that members of indigenous peoples have equal rights in respect of effective and informed participation in public life, in particular when decisions are taken that are directly relevant to them".

79. Mr. AHMADU asked for a specific example of such a decision.

80. Mr. WOLFRUM said that one such example might concern an area of swampland inhabited by indigenous people, which was drained without their being consulted, so that they were forced to change their way of life completely. In many cases, the indigenous people were not the owners of the land, but had used it for generations. It was therefore only fair that they should have some say in the decision. Recent legislation in Australia stipulated that mines could not be sunk in land occupied by the Aborigines without their consent.

81. He did not agree with Mr. Diaconu's proposal. In the first part of the paragraph, it was taken for granted that indigenous peoples had the same rights to participate in public life as any other citizen, and there was no need to plead for special treatment for them there.

82. Mr. GARVALOV said that the two terms "consent" and "participation" meant entirely different things. If indigenous peoples were to give their "consent", they must agree to the proposal; they could "participate" and express their approval or disapproval, without actually having any power over the final decision. He preferred the word "consent".

83. The CHAIRMAN pointed out that the whole of paragraph 4 was phrased as a recommendation to States parties, which they were under no obligation to accept.

84. Mr. SHAHI said that the phrase "decisions directly relevant to them" was too vague.

85. Mr. van BOVEN suggested instead "decisions directly relating to their rights and interests".

86. The CHAIRMAN read out the following amended version of the subparagraph: "ensure that members of indigenous peoples have equal rights in respect of effective participation in public life, and that no decisions directly relating to their rights and interests are taken without their informed consent". He took it that that was acceptable to the Committee.

Paragraph 4 (e)

87. The CHAIRMAN suggested the following amendment: "... that indigenous communities can exercise ...".

Paragraph 5

88. Mr. GARVALOV suggested that the words "more in particular" should be replaced by "furthermore".

89. Mr. RECHETOV said that the word "occupied" had unfortunate connotations and should be deleted.

90. Mr. WOLFRUM suggested the word "inhabited" instead.

91. The CHAIRMAN suggested the wording: "The Committee especially calls upon States parties ...". The first sentence would then continue: "... their lands and territories traditionally owned or otherwise inhabited or used ...".

92. Mr. ABOUL-NASR asked whether the authors of the draft general recommendation had compared the text with other relevant instruments.

93. Mr. WOLFRUM replied that the sponsors had consulted the relevant General Assembly resolutions and the latest draft of the proposed United Nations declaration on the rights of indigenous peoples, although that was still the subject of great controversy. A similar declaration being developed in Latin America was still at a very early stage. He had, however, consulted recent legislation from Argentina, which had been very similar to the draft general recommendation now proposed to the Committee.

Paragraph 6

94. In response to a point raised by Mr. AHMADU, the CHAIRMAN suggested the wording: "The Committee further calls upon States parties ...".

95. The General Recommendation concerning Indigenous Peoples, as amended, was adopted.

96. Mr. de GOUTTES specified that he reserved the right to raise any queries arising from the French version of the text.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 4) (continued)

Situation in the Democratic Republic of the Congo

97. Mr. WOLFRUM (Country Rapporteur) said that most of the information available to him had been drawn from a report to the General Assembly by the joint mission charged with investigating allegations of massacres and other human rights violations occurring in eastern Zaire (now Democratic Republic of the Congo) since September 1996 (A/51/942, dated 2 July 1997). The information in the report should be treated with caution, because the joint investigative mission had not actually visited the country: the report was a preliminary one based on information from the Office of the United Nations High Commissioner for Refugees (UNHCR), non-governmental organizations and people who had recently left - or who claimed to have left - the Democratic Republic of the Congo. The new governing party, the Alliance des forces démocratiques pour la libération du Congo-Zaire (AFDL) disputed some of the report's findings. Moreover, he felt that many of the worst atrocities had been committed before the period covered by the report, which began in September 1996.

98. He had chosen not to use the information contained in the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Zaire (E/CN.4/1997/6), which was outdated and had been subject to criticism. The Committee should also consider any further information provided by the Secretariat.

99. It was essential to consider not only the situation in the Democratic Republic of the Congo itself, but that of the Great Lakes region as a whole. A number of facts were undisputed. Following the victory of the Rwandan Patriotic Front in Rwanda, some 1.2 million people, most of them Hutus, had fled to Zaire. They included former members of the Rwandan armed forces, the militia known as the Interahamwe and civilians including women, children and old people. Some of them had been accused of genocide of Tutsis and moderate Hutus in Rwanda in 1994.

100. At the beginning of the Zairian conflict in September 1996, some 1.1 million of those refugees were still in refugee camps in Zaire. An estimated 600,000 Rwandans and 100,000 Burundis had returned to their own country, and a further 183,000 Rwandans had been repatriated to Rwanda by UNHCR. Others had fled to other countries, including Tanzania and Zimbabwe.

101. The whereabouts of a large number of refugees remained unknown. The report put the figure at approximately 140,000. However, the latest UNHCR figures indicated that the whereabouts of 200,000 Rwandan refugees and between 20,000 and 40,000 Burundian refugees was not known. An estimated 232,000 refugees from other countries remained in the refugee camps of the Democratic Republic of the Congo, including Angolans, Sudanese and Ugandans.

102. A number of refugee camps had been attacked, including the following: Uvira camp on 22 and 23 October 1996, Shabunda camp in mid-January 1997, Tingi-Tingi and Amisi camps in February 1997 and Mabandaka camp on 13 May 1997. According to the report of the joint investigative mission, almost all the victims had been Hutus.

103. The disputed facts, still drawn from the same report, were that those attacks had been carried out mostly by members of the Alliance and the militia; that blockading of humanitarian assistance to refugee camps had occurred on a large scale; and that that had led to very high mortality rates in the camps. Sanitary and other conditions were bad, and there were reports of cholera and other infectious diseases.

104. The human rights violations were attributed to the Alliance, Zairian civilians under its command or encouragement, Zairian armed forces, the former Rwandan forces and militia, the Rwandan Patriotic Army, the Armed Forces of Burundi, and mercenaries, mostly Serbs, cooperating with the Zairian forces. According to the mission report there were reliable indications that persons belonging to one or other party to the conflict in the eastern part of the country had probably committed serious violations of humanitarian law. The common ethnic identity of most of the victims was a matter of record; they were Zairian Hutus and Hutu refugees from Rwanda and Burundi. The methods used were deliberate, premeditated massacres, the dispersal of refugees to inaccessible, inhospitable areas and the systematic blockade of humanitarian assistance. Of prime importance to the Committee was that all the facts pointed to the conclusion that most of the victims came from one particular ethnic group - the Hutus, whether or not the conflict had an ethnic motivation, or what some called, rather dubiously to his mind in that context, a political motivation.

105. In its recommendation or decision, the Committee should emphasize the need for a new team to be sent to the area, with the participation of a Committee member, to investigate impartially who the victims were and how the incidents had occurred, and express the hope that the authorities of the Democratic Republic of the Congo would keep their promise to help the team fulfil its mandate. The Committee could not do very much before it had received reliable and up-to-date information, which should be forthcoming from the joint mission by the time of the Committee's Spring 1998 session, and he therefore recommended that it should keep the issue on the agenda for that session, at which time it would be in a position to take a decision on the basis of that information.

106. Mr. ABOUL-NASR said the Committee could not pronounce itself at the present stage, as it needed more information, and should accept Mr. Wolfrum's recommendation.

107. Mr. de GOUTTES said that no one could reproach the Committee for having failed to anticipate the gravity of the situation and the possible aggravation of tensions. Everything it had feared had in fact come to pass. The report of the joint mission was overwhelming. In addition to the serious human rights violations referred to Mr. Wolfrum, it mentioned grave violations of international humanitarian law and perhaps genocide and crimes against humanity. The Committee should focus on the joint mission's recommendations, drawing particular attention to them in its statement; indeed, it could almost adopt them as its own. He favoured keeping the issue on the Committee's agenda at the next session as a matter of urgency and asking a representative of the Secretariat to address the Committee with any additional, more recent information.

108. Mr. van BOVEN said the modest action recommended by his colleagues seemed very wise. The Committee's preventive role was always a limited one, but at least it had expressed its serious concerns about the situation in 1996.

109. The CHAIRMAN said that Mr. Mautner-Markhof (Office of the High Commissioner for Human Rights/Centre for Human Rights) had been to the eastern part of the Democratic Republic of the Congo recently and was available to address the Committee; the representative of the Democratic Republic of the Congo could attend the meeting on 19 August.

110. Mr. SHAHI said the Committee could not reach any conclusions until it had considered a more definitive report on the findings of the joint mission. While awaiting such a report, it might consider taking up some of the mission's recommendations. The mission had reserved its opinion on genocide, but apparently enough evidence existed for it to pronounce itself on the commission of crimes against humanity under article 3 of the Geneva Conventions. Other recommendations of the mission that warranted consideration by the Committee were the immediate dispatch of troops to areas lacking in security; ensuring the cooperation of the Democratic Republic of the Congo Government in investigating the human rights violations; and waiving statutory limitations until the perpetrators of the violations could be identified. The Committee should hear what the representatives of the Democratic Republic of the Congo and the Secretariat had to say and then discuss the matter in private.

111. The CHAIRMAN said the Bureau had felt the Committee would not be able to do much until it had better information, for which it needed the report of the investigating mission.

112. Mr. ABOUL-NASR suggested that the Committee should ask Mr. Wolfrum to draft a short statement referring to the Committee's 1996 decision, stating that it had studied the reports available, referring to the Secretary-General's decision to dispatch a new mission of three, expressing consternation at the alarming news, and noting that the Committee would keep the matter under consideration and take it up as a matter of urgency at its next session. Neither the representative of the State party nor the representative of the Secretariat could add much to the Committee's knowledge at the present time; what mattered was to have on record that the Committee had examined the situation.

113. The Committee decided to ask Mr. Wolfrum to draft a statement along the lines proposed by Mr. Aboul-Nasr.

The meeting rose at 1 p.m.